

make two certificates in the following form: I hereby certify that on this — day of —, one thousand —, at —, A— B— and C— D—, were by me united in marriage, the names of said parties having first been thrice published on three several Sundays in —, a house of religious worship, — county, State of Maryland, by —, a minister resident in said county, which he shall sign, giving his name and official character, and immediately after he has celebrated the marriage the minister shall give one of the certificates to the persons whom he has married and he shall transmit one of the certificates to the clerk of the circuit court for the county where the marriage was celebrated or to the clerk of the court of common pleas, if the marriage be celebrated in Baltimore City, who shall record the same in a book kept for that purpose, receiving a fee of fifteen cents for recording each certificate, to be paid by the minister sending the certificate for record; a copy of such certificate of the minister when recorded in the clerk's office hereinbefore provided certified to by the clerk under the seal of his office shall be *prima facie* evidence of the fact of such marriage.

An. Code, 1924, sec. 13. 1912, sec. 13. 1904, sec. 13. 1890, ch. 465, sec. 11B.

15. Any minister who shall fail within sixty days to transmit the certificate to the clerk for record shall be subject on conviction to a fine of ten dollars for each offense.

An. Code, 1924, sec. 14. 1912, sec. 14. 1904, sec. 14. 1888, sec. 12. 1886, ch. 497, sec. 8.

16. The circuit court for the several counties and the superior court of Baltimore City may, upon petition of either of the parties, inquire into, hear and determine and the circuit court for the several counties and the criminal court of Baltimore, on indictment, may inquire into, hear and determine the validity of any marriage and may declare any marriage contrary to the table in this article, or any second marriage, the first subsisting, null and void; and on appeal the depositions and evidence given in the cause shall be transmitted with the record to the court of appeals and thereupon such cause shall be heard, determined and adjudged *de novo*.

Notwithstanding this section, the authority of equity courts in Maryland to determine the validity of a marriage charged to have been procured by abduction, fraud, duress, etc., rests upon their general jurisdiction to set aside contracts so affected. Caution with which courts will exercise such authority in marital cases. *Wimbrough v. Wimbrough*, 125 Md. 621.

This section confines the authority to annul a marriage within prohibited degrees in Baltimore City, to superior and criminal courts upon application of one of parties. A decree of nullity distinguished from a decree of divorce. *Ridgely v. Ridgely*, 79 Md. 305. See also *Le Brun v. Le Brun*, 55 Md. 503.

An. Code, 1924, sec. 15. 1912, sec. 15. 1904, sec. 15. 1888, sec. 13. 1867, ch. 423.

17. All marriages made and celebrated in this State prior to March 22, 1867, by and between colored people are hereby confirmed and made valid to every intent and purpose from the time of the celebration of such marriages, respectively; and every such marriage shall be held and taken by all courts of this State to be good and sufficient in law to all intents and purposes; provided, that in every case the parties claiming to have been married by a competent person shall by sufficient proof before some justice of the peace, establish the fact of having been so married, a certificate of which shall be filed with the clerk of the circuit court for the county in which said marriage was celebrated, or the court of common pleas of Balti-